



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | BOARD OF PODIATRY |
| MEETING DATE AND TIME: | Thursday, July 15, 2010 at 5:00 p.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Cannon Building, Second Floor- Conference Room B |
| MINUTES APPROVED: | 11/4/10 |

MEMBERS PRESENT

Dr. Christopher Savage, President, Professional Member
Dr. Raymond Feehery, Professional Member
Nathaniel Gibbs, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Allison Reardon, Deputy Attorney General
Michele Urbaniak, Administrative Specialist II
David Mangler, Division of Professional Regulation

MEMBERS ABSENT

Dr. Jeffrey Barton, Professional Member

ALSO PRESENT

CALL TO ORDER

Dr. Savage called the meeting to order at 5:10 p.m.

REVIEW OF MINUTES

The Board reviewed the minutes of the April 15, 2010 board meeting. Mr. Gibbs made a motion, seconded by Dr. Feehery, to approve the meeting minutes as presented. The motion was unanimously approved.

UNFINISHED BUSINESS

REVIEW OF PROPOSAL TO DENY - DR. LARRY M. BERNHARD

At their April 15, 2010 meeting, the Board proposed to deny the reciprocity licensure application of Dr. Larry M. Bernhard. Ms. Urbaniak explained to the Board that the certified PTD letter mailed from the Division of Professional Regulation to Dr. Bernhard was returned to the Division as "Insufficient Address" due to a DPR error. Once the error was discovered and corrected, Ms. Urbaniak called Dr. Bernhard to verbally give him the Board's decision and an opportunity to schedule a hearing. Ms. Urbaniak reported to the Board that Dr. Bernhard was no longer interested in pursuing licensure in DE, as his DE job offer had been given to someone else. Per Ms. Reardon's advice, Ms. Urbaniak mailed the PTD letter to Dr. Bernhard's correct address (certified and regular mail), and the Board will give Dr. Bernhard ample time to reconsider his decision not to pursue licensure.

STRATEGIC PLAN

Ms. Reardon reported there was nothing to carry over for discussion from the last meeting. Ms. Reardon advised that the last Strategic Plan was dated 2007-2008. Ms. Reardon reviewed the goals and objectives of the 2007-2008 Strategic Plan for the Board which include updating the Board's statute and regulations. Ms. Reardon will submit an updated Strategic Plan for 2010-2012, carrying over any previously unmet goals and objectives and removing the met goals and objectives. The Board will then determine whether to make any amendments to the plan.

BOARD RECOMMENDATIONS FOR STATUTE REVISIONS

The Board continued its discussion of the statutory revisions. Ms. Reardon previously provided the Board with a black-lined version of their requested changes. Dr. Barton had suggested at an earlier meeting that the Board also review a draft of proposed revisions that are believed to have been prepared by previous Board members including Dr. Lightcap and Dr. Contompasis. Ms. Reardon will merge both drafts using different colors so that the changes can be distinguished. Ms. Reardon will submit a new copy of the draft revisions to the Board members for their review in time for discussion at the next Board meeting. Ms. Reardon notified the Board that she will not be able to attend the scheduled September Board meeting. The Board agreed that if there are any hearings requested by September 1, 2010, the Board will meet in September as scheduled with a substitute DAG. In the event that no hearings are requested by September 1st, 2010 then the Board will cancel its September meeting and continue its Title 24 draft revisions with Ms. Reardon at the November meeting.

NEW BUSINESS

RATIFICATION OF LICENSURE LIST

Heather M. Rafal

Travis J. Dwyer

Clare Capobianco

Salem Munjed

Melissa Marschner

Ms. Reardon clarified the ratification process for the Board. Dr. Savage asked which Board member had reviewed the current license applications that were listed for ratification. Ms. Urbaniak advised the Board that Dr. Barton had reviewed and approved the applications. Dr. Savage questioned whether Dr. Barton was still a Board member since his term had expired. Ms. Reardon explained that Dr. Barton can remain on the Board, for as long as he is willing, until the Governor appoints a new Board member to replace him. Dr. Feehery indicated that the December 2008 minutes reflect that the Board had approved the ratification process at that meeting. Per the December 2008 minutes, the Board had determined that Dr. Feehery would review the applications. Dr. Feehery reported that to date he had not received any applications for review; however, the applications had been reviewed by other Board members. Ms. Urbaniak will forward future applications to Dr. Feehery for his review. Dr. Feehery questioned whether two Board members could review and discuss the applications, rather than just one Board member reviewing. Ms. Reardon advised that two Board members would constitute a committee and that the Administrative Procedures Act would require that committee meetings be scheduled and noticed to the public. The Board could have two members independently review the applications as a cross-check if they choose but the members could not discuss the applications without convening a committee meeting. Ms. Reardon explained that the purpose of the ratification process is to enable applicants whose applications are complete to be licensed without having to wait for the Board to meet, which can be as long as 3 months for boards that meet quarterly. The Board determined not to make any changes to the process.

Dr. Savage made a motion, seconded by Mr. Gibbs, to ratify the licensure list as presented. The vote was unanimously approved.

DISCUSSION OF RECIPROCITY REQUIREMENTS – PMLEXIS

Ms. Urbaniak reminded Dr. Savage of a question posed to him in an email in May regarding whether or not an applicant applying for reciprocal licensure from a state deemed substantially similar by the Board, but who had been licensed in the other state prior to the creation of the PMLexis exam, qualified for licensure by reciprocity. Ms. Reardon advised that an application for someone who had not taken the PMLexis exam would have to be reviewed under the non-substantially similar standard requiring that the applicant have established five years practice in addition to meeting the other requirements for reciprocity.

OTHER BUSINESS BEFORE THE BOARD (FOR DISCUSSION ONLY)

Ms. Urbaniak submitted the NBPME newsletter to the Board for their review. Dr. Savage asked that the newsletter be scanned and emailed to the Board members after the meeting. Ms. Reardon advised that all future newsletters may be scanned and emailed to the Board prior to their next meeting.

Dr. Savage discussed an email he received from Dr. Barton regarding an issue of unacceptable advertising by another podiatrist. Ms. Reardon explained that the process is not just for the Board to send a letter but that a complaint could be filed with the Investigative Unit of the Division of Professional Regulation. After further discussion, Ms. Reardon recommended that Dr. Savage reply to Dr. Barton's email with the suggestion that Dr. Barton file a formal complaint with the Division if he believes there is a violation.

Dr. Feehery questioned how the complaint process works. Ms. Reardon clarified the complaint process for the Board.

PUBLIC COMMENT

None

NEXT SCHEDULED MEETING

The next scheduled board meeting is September 16, 2010 at 5:00 p.m. in Conference Room "B" of the Cannon Bldg., 861 Silver Lake Blvd., Dover, Delaware, 19904.

ADJOURNMENT

There being no further business, Dr. Savage made a motion, seconded by Mr. Gibbs, to adjourn the meeting. The motion was unanimously approved. The meeting adjourned at 6:02 p.m.

Respectfully submitted,



Michele Urbaniak
Administrative Specialist II